

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

And

NATURAL RESOURCES DEFENSE
COUNCIL, INC. AND SIERRA CLUB,

Intervenor-Plaintiffs,

v.

DTE ENERGY COMPANY AND
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven Whalen

**DEFENDANTS' MOTION FOR EXPEDITED BRIEFING AND
CONSIDERATION OF MOTION TO COMPEL PLAINTIFFS' COMPLIANCE
WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

Pursuant to Local Rule 7.1, Defendants DTE Energy Company and Detroit Edison Company (collectively, "Detroit Edison") respectfully move for expedited briefing and consideration of Defendants' Motion to Compel Plaintiffs' Compliance with Rules 33 and 34 of the Federal Rules of Civil Procedure (the "Motion to Compel") (Doc. No. 87). In particular, for purposes of efficiency and expedited resolution, Detroit Edison requests that the Court hear arguments on the Motion to Compel at the same time it hears arguments on Detroit Edison's pending Motion for Protective Order (Doc. No. 81). That hearing is set for April 20, 2011, and the expedited briefing schedule described in the accompanying brief will allow the briefing to be complete before that hearing. On April 8, 2011, counsel for Detroit Edison sought Plaintiff's concurrence in this Motion. Counsel for Plaintiff expressed a willingness to consider an

expedited briefing schedule but indicated that Plaintiff wanted to consult and review the Motion to Compel before committing to one. Counsel for Plaintiff indicated that Plaintiff will aim to provide its position on this Motion on Monday, April 11, 2011, at which time Detroit Edison will communicate that position to the Court.

Respectfully submitted, this 8th day of April 2011.

HUNTON & WILLIAMS LLP

Matthew J. Lund (P48632)
Pepper Hamilton LLP
100 Renaissance Center, 36th Floor
Detroit, Michigan 48243
lundm@pepperlaw.com
(313) 393-7370

Michael J. Solo (P57092)
Office of the General Counsel
DTE Energy
One Energy Plaza
Detroit, Michigan
solom@dteenergy.com
(313) 235-9512

/s/ Brent A. Rosser
F. William Brownell
bbrownell@hunton.com
Mark B. Bierbower
mbierbower@hunton.com
Makram B. Jaber
mjaber@hunton.com
Brent A. Rosser
brosser@hunton.com
Hunton & Williams LLP
1900 K Street, N.W.
Washington, D.C. 20006-1109
(202) 955-1500

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on April 8, 2011, the foregoing **DEFENDANTS' MOTION FOR EXPEDITED BRIEFING AND CONSIDERATION OF MOTION TO COMPEL PLAINTIFFS' COMPLIANCE WITH RULES 33 AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE** was served electronically only on the following attorneys of record in accordance with an agreement reached among the parties:

Ellen E. Christensen
U.S. Attorney's Office
211 W. Fort Street
Suite 2001
Detroit, MI 48226
313-226-9100
Email: ellen.christensen@usdoj.gov

James A. Lofton
Thomas Benson
Justin A. Savage
Kristin M. Furrie
U.S. Department of Justice
Environmental and Natural Resource Div.
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044
202-514-5261
Email: thomas.benson@usdoj.gov
justin.savage@usdoj.gov
kristin.furrie@usdoj.gov
jim.lofton@usdoj.gov

Holly Bressett
Sierra Club Environmental Law Program
85 Second St., 2nd Floor
San Francisco, CA 94105
Phone: (415) 977-5646
Email: Holly.Bressett@sierraclub.org

Andrea S. Issod
Sierra Club
85 2nd Street, 2nd Floor
San Francisco, CA 94105
415-977-5544
Email: andrea.issod@sierraclub.org

/s/ Brent A. Rosser

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**DEFENDANTS' BRIEF IN SUPPORT OF
MOTION FOR EXPEDITED BRIEFING AND CONSIDERATION
OF MOTION TO COMPEL PLAINTIFFS' COMPLIANCE WITH RULES 33
AND 34 OF THE FEDERAL RULES OF CIVIL PROCEDURE**

STATEMENT OF ISSUE PRESENTED

For purposes of efficiency and speedy resolution, whether the Court should enter an order providing for expedited briefing and consideration on Defendants' Motion to Compel Plaintiffs' Compliance with Rules 33 and 34 of the Federal Rules of Civil Procedure (the "Motion to Compel") so that the Motion to Compel is heard at the same time Defendants' pending Motion for Protective Order.

Defendants' Answer: Yes.

Defendants DTE Energy Company and Detroit Edison Company (collectively, “Detroit Edison”) respectfully request expedited briefing and consideration of their Motion to Compel Plaintiffs’ Compliance with Rules 33 and 34 of the Federal Rules of Civil Procedure (the “Motion to Compel”) (Doc. No. 87). In particular, for purposes of efficiency and expedited resolution, Detroit Edison requests that the Court hear arguments on the Motion to Compel at the same time it hears arguments on Detroit Edison’s pending Motion for Protective Order (Doc. No. 81), which is currently set to be heard on April 20, 2011. Moreover, Detroit Edison requests that the Court enter an order requiring Plaintiff to file its response by April 15, 2011 and Detroit Edison to file its reply by April 19, 2011. Under this proposed schedule, the briefing will be complete before the Court’s April 20, 2011 hearing on Defendants’ Motion for Protective Order. Detroit Edison submits that such relief is particularly warranted given the expedited case schedule in this matter.

Respectfully submitted, this 8th day of April 2011.

HUNTON & WILLIAMS LLP

Matthew J. Lund (P48632)
Pepper Hamilton LLP
100 Renaissance Center, 36th Floor
Detroit, Michigan 48243
lundm@pepperlaw.com
(313) 393-7370

Michael J. Solo (P57092)
Office of the General Counsel
DTE Energy
One Energy Plaza
Detroit, Michigan
solom@dteenergy.com
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/s/ Brent A. Rosser
F. William Brownell
bbrownell@hunton.com
Mark B. Bierbower
mbierbower@hunton.com
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mjaber@hunton.com
Brent A. Rosser
brosser@hunton.com
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Holly Bressett
Sierra Club Environmental Law Program
85 Second St., 2nd Floor
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Phone: (415) 977-5646
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San Francisco, CA 94105
415-977-5544
Email: andrea.issod@sierraclub.org

/s/ Brent A. Rosser _____